IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R. No. 1006 of 2005
Date of Decision: 28.8.2006

Amrik Singh ...Petitioner

Versus

Jasbir Singh and others ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri B.R. Mahajan, Advocate, for the petitioner.

Shri Ramesh Sharma, Advocate, for respondent Nos. 14 and 15.

JUDGMENT

The challenge in the present revision petition is to the order passed by the learned trial Court on 21.12.2004, whereby Raj Pal Singh and Swarn Kaur were allowed to be impleaded as defendants on the basis of purchase of land, vide sale deed dated 18.3.2002, executed by Harbans Kaur, as legal heir of Sadhu Singh.

The plaintiff-petitioner has filed a suit for specific performance of an agreement to sell dated 9.6.1994 executed by defendant Nos. 1 to 11. Shri Raj Pal Singh and Smt. Swarn Kaur, applied for impleading them as defendants on the basis of sale deed dated 18.3.2002, allegedly executed by Harbans Kaur as legal heir of Sadhu Singh, other co-sharer.

Learned counsel for the petitioner has argued that in a suit for specific performance, only the parties to agreement to sell are the necessary parties and other co-sharers are neither necessary nor proper parties. Reliance is placed upon the judgment of the Hon'ble Supreme Court in **Anil Kumar Singh v. Shivnath Mishra 1995(1) Civil Court Cases 531** as well

as a Division Bench judgment of this Court reported as **Krishan Lal and others v. Tek Chand and others AIR 1987 Punjab and Haryana 197.**

In view of the said binding precedents, I am of the opinion that the order passed by the learned trial Court permitting Raj Pal Singh and Swarn Kaur to be impleaded as defendants in a suit for specific performance where their vendor was not a party, is not sustainable.

Consequently, the the present revision petition is allowed. The impugned order dated 21.12.2004 is set aside.

28.8.2006 (HEMANT GUPTA)
ds JUDGE